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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,895	10/30/2003	Marc S Carter	GB920020077US1	9228

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EXAMINER	
HO, BINH VAN	

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,895	CARTER ET AL.	
	Examiner	Art Unit	
	Binh V. Ho	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is a response to amendment filed 09/13/2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Allemang (US 2003/0050915).

(Claims 1, 16, 24, and 26)

Allemang discloses in figures 1-13,16,18,20-31, a method for managing data organisation for computer programs, the method including the steps of: generating and storing a reference taxonomy, the reference taxonomy comprising information defining a data organisation; accessing storage associated with a computer program to obtain an application taxonomy, the application taxonomy comprising information defining the organisation of stored data items of the program; comparing the reference taxonomy with the application taxonomy to identify matching and non-matching features of the compared taxonomies; and in response to a selection of a preferred taxonomy based on a result of the comparison, storing the preferred taxonomy as a replacement of at least one of the reference taxonomy and the application taxonomy (Paragraph [0070]-[0072,

[0075], [0076], [0078]-[[82], [0084], [0087], [0089], [0090], [0094], [0095], [0097], [0100]-[0103], [0113], [0118], [0120], [0123], [0125]-[0131], [0133], [0134], [0137], [0138], [0140], [0145], [0161], [0170], [0180], [0182]-[0235], [0238]-[0244], [0257]-[0290], [0300], [0301], [0311], [0313], [0321]-[0322], [0329], [0336], [0339]-[0340], [0363], [0368], [0394], [001], [0404], [0406], [0408], [0412], [0416]).

(Claim 2)

Allemang discloses in figures 4,16,21-23, the step of storing a preferred taxonomy in response to a selection of the preferred taxonomy including generating a modified reference taxonomy which aggregates features of the compared reference taxonomy and features of the compared application taxonomy, wherein an identified matching feature of the compared reference and application taxonomies is represented as a single node in the modified reference taxonomy (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0280]-[0284]).

(Claim 3)

Allemang discloses in figures 16,21-23, in the step of storing a preferred taxonomy in response to a selection of the preferred taxonomy including generating a modified application taxonomy which includes features of the compared reference taxonomy (Paragraph [0182]-[0235], [0280]-[0284]).

(Claim 4)

Allemang discloses in figures 4,16,21-23, the generated reference taxonomy including nodes representing data structures and information representing relationships between data structures, and wherein the step of generating a modified application

taxonomy includes generating at least one new data structure within the modified application taxonomy which new data structure corresponds to a node of the compared reference taxonomy (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0280]-[0284]).

(Claim 5)

Allemang discloses in figures 4,16,21-23, the generated reference taxonomy including nodes representing data structures and information representing relationships between data structures, and wherein the step of generating a modified application taxonomy includes repositioning data structures within the compared application taxonomy, such that the relationships between the data structures of the modified application taxonomy and nodes of the reference taxonomy are more consistent than the relationships between data structures of the compared application taxonomy and nodes of the reference taxonomy (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0280]-[0284]).

(Claim 6)

Allemang discloses in figures 4-13, the step of generating a reference taxonomy including accessing storage associated with a second computer program to obtain an application taxonomy for the second program (Paragraph [0096], [0097], [0100]-[0103], [0113], [0118], [0120], [0123], [0125]-[0131], [0133], [0134], [0137], [0138], [0140], [0145], [0161], [0170], [0180]).

(Claim 7)

Allemang discloses in figures 4,16,21-23, a step of accessing storage to obtain an application taxonomy including using an adapter which interfaces to the respective computer program to access information relating to the names of and relationships between stored data structures (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0280]-[0284]).

(Claim 8)

Allemang discloses in figures 4,16,21-23, the step of generating a reference taxonomy including receiving user inputs via a graphical user interface; and interpreting user inputs to generate nodes representing data structures of a taxonomy and to generate information representing relationships between data structures (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0280]-[0284]).

(Claim 9)

Allemang discloses in figures 4,16,21-23, the step of comparing including comparing, using string matching, qualified node names for nodes of the reference taxonomy and nodes, corresponding to data structures, of the application taxonomy (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0280]-[0284]).

(Claim 10)

Allemang discloses in figures 4,16,21-23, the step of comparing the reference taxonomy with the application taxonomy being repeated in response to a trigger condition (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0280]-[0284]).

(Claim 11)

Allemang discloses in figures 4,16,21-23, the trigger condition being expiry of a predefined time period (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0280]-[0284]).

(Claim 12)

Allemang discloses in figures 4,16,21-23, the step of generating a reference taxonomy being performed on a first data processing apparatus and is followed by a step of sending at least a part of the reference taxonomy to a second data processing apparatus, and wherein the steps of comparing and storing a selected preferred taxonomy are performed on the second data processing apparatus (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0280]-[0284]).

(Claim 13)

Allemang discloses in figures 4,16-23, the step of sending at least a part of the reference taxonomy being performed by a distributed publish/subscribe messaging system (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0170], [0172], [0174], [0175], [0180], [0182]-[0235], [0232], [0244], [0245], [0252], [0257], [0263], [0266], [0271], [0280]-[0284]).

(Claim 14)

Allemang discloses in figures 4,16-23, including the steps of generating, via a graphical user interface (GUI), a graphical representation of the reference taxonomy including nodes representing data structures of the taxonomy; and in response to user-interactions with the GUI, generating calls to the computer program to initiate

application program functions (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0170], [0172], [0174], [0175], [0180], [0232], [0244], [0245], [0252], [0257], [0263], [0266], [0271], [0280]-[0284]).

(Claim 15)

Allemang discloses in figures 4,16-23, wherein the GUI includes a data backup function call and the method includes the step of in response to user-selection of the data backup function call and user-selection of a set of one or more nodes of the reference taxonomy, sending a call to the application program to backup data within the application taxonomy data structures corresponding to said set of nodes (Paragraph [0096], [0097], [0100]-[0103], [0182]-[0235], [0170], [0172], [0174], [0175], [0180], [0182]-[0235], [0232], [0244], [0245], [0252], [0257], [0263], [0266], [0271], [0280]-[0284]).

(Claim 17)

Allemang discloses in figures 4-12, including a plurality of adapters, wherein each adapter enables accessing of storage associated with a computer program of a respective type and obtaining the application taxonomy for the computer program of the respective type (Paragraph [0096], [0097], [0100]-[0103], [0108]-[0114], [0115], [0118], [0120], [0125]-[0129], [0131], [0133]-[0135]).

(Claim 18)

Allemang discloses in figures 4-7, 16, including a graphical user interface (GUI) for generating a graphical representation of the reference taxonomy, the graphical

representation including nodes representing data structures (Paragraph [0096], [0097], [0100]-[0103], [0108]-[0114], [0115], [0118], [0120], [0125], [0182]-[0235]).

(Claim 19)

Allemang discloses in figures 4-10, 16, 21-23, the GUI is responsive to user inputs to identify selection of a preferred taxonomy (Paragraph [0096], [0097], [0100]-[0103], [0108]-[0114], [0115], [0118], [0120], [0125]-[0129], [0182]-[0235], [0280]-[0284]).

(Claim 20)

Allemang discloses in figures 4-10, 16, 17-19, the GUI includes function calls for initiating operations of said respective computer program (Paragraph [0096], [0097], [0100]-[0103], [0108]-[0114], [0115], [0118], [0120], [0125]-[0129], [0170], [0172], [0174], [0175], [0180],[0182]-[0235], [0232], [0244], [0245], [0252]).

(Claim 21)

Allemang discloses in figures 4-10, 16, 19, 21-23, the GUI includes a data backup function call and is responsive to user-selection of the data backup function call and user-selection of a set of one or more nodes of the reference taxonomy to send a call to the respective computer program to backup data within the application taxonomy data structures corresponding to said set of nodes (Paragraph [0096], [0097], [0100]-[0103], [0108]-[0114], [0115], [0118], [0120], [0125]-[0129], [0182]-[0235], [0245], [0252], [0280]-[0284]).

(Claim 22)

Allemang discloses in figures 4-11, 16, 19, 21-23, including an adapter for interfacing between the means for generating a reference taxonomy and a publish/subscribe messaging manager to enable at least a part of the generated reference taxonomy to be sent to a second taxonomy manager via the publish/subscribe messaging manager (Paragraph [0096], [0097], [0100]-[0103], [0108]-[0114], [0115], [0118], [0120], [0125]-[0130], [0182]-[0235], [0245], [0252], [0280]-[0284]).

(Claim 23)

Allemang discloses in figures 4-10, 16, 19, 21-23, including a listener component for identifying receipt of reference taxonomy information and triggering the taxonomy manager to process such received taxonomy information (Paragraph [0096], [0097], [0100]-[0103], [0108]-[0114], [0115], [0118], [0120], [0125]-[0129], [0182]-[0235], [0245], [0252], [0280]-[0284]).

(Claim 25)

Allemang discloses in figures 4-10, 16, 19, 21-23, including a graphical user interface for displaying taxonomies to a user and for responding to user inputs to identify selection of a preferred taxonomy (Paragraph [0096], [0097], [0100]-[0103], [0108]-[0114], [0115], [0118], [0120], [0125]-[0129], [0182]-[0235], [0245], [0252], [0280]-[0284]).

Response To The Arguments

4. Applicant's arguments filled on 09/13/2006 have been fully considered. Applicant made the following arguments:

Accordingly, Applicant submits that "With respect to claim 1, in particular, Allemang does not teach or suggest a method for managing data organisation for computer programs that includes "generating and storing a reference taxonomy" that comprises information defining a data organization, "accessing storage associated with a computer program to obtain an application taxonomy" that comprises information defining the organisation of stored data items of the program, "comparing the reference taxonomy with the application taxonomy to identify matching and non-matching features of the compared taxonomies", and "in response to a selection of a preferred taxonomy based on a result of the comparison, storing the preferred taxonomy as a replacement of at least one of the reference taxonomy and the application taxonomy"."

The Examiner respectfully disagreed with the Applicant's argument above, since " generating and storing a reference taxonomy", has been discloses, for example in figure 25, paragraph [0332]-[0338] (system contain taxonomy, so taxonomy must generate and store in somewhere); "accessing storage associated with a computer program to obtain an application taxonomy" has been discloses for example in figures 5-11 (specially figure 7), paragraph [0109]-[0114] (since it can create new one then can open each one taxonomy); "comparing the reference taxonomy with the application taxonomy to identify matching and non-matching features of the compared taxonomies", has been disclose in figures 16-18, 20-23, paragraph [0176], [0177], [0180], [0183],

[0184], [0203], [0230]; and "in response to a selection of a preferred taxonomy based on a result of the comparison, storing the preferred taxonomy as a replacement of at least one of the reference taxonomy and the application taxonomy", has been discloses in figures 25-31, paragraph [0338].

Accordingly, Applicant submits that "Applicants respectfully submit that the Examiner has not identified with any particularity where the various steps of claim 1, arranged as they are in claim 1, are allegedly disclosed in Allemang, and has not shown how the claim is anticipated by the reference. As a result, Applicants are not able to more precisely respond to the rejection"

In above response the Examiner has clearly pointed out where Allemang discloses all the elements arranged in claim 1. Since the Examiner clearly points out all the elements arranged in claim 1 Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Conclusion

5. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Binh V Ho
Examiner
Art Unit 2163

7.

DON WONG
SUPERVISORY PATENT EXAMINER
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